

ENTERED

May 07, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA, Plaintiff, - v.- THE M/Y GALACTICA STAR, <i>et al.</i> Defendants <i>In Rem</i>) CIVIL ACTION No. 4:17-cv-02166)))))))
---	---

Upon consideration of the United States' Motion for Partial Stay Under 18 U.S.C. § 981(g)(1) and the declaration of Special Agent Elizabeth A. Crispino attached thereto, the motion is **GRANTED**. The Court finds that civil discovery will adversely affect the government's ability to conduct a criminal investigation related to the facts underlying the First Amended Complaint (Dkt. 35) in this civil forfeiture action. Consequently, a stay is appropriate under § 981(g)(1).

The Court also finds that certain aspects of this action may be allowed to proceed to the extent they do not burden the government's ability to conduct the related criminal investigation. Therefore, the Court will permit certain defined exceptions to the stay, as detailed below.

IT IS THEREFORE ORDERED:

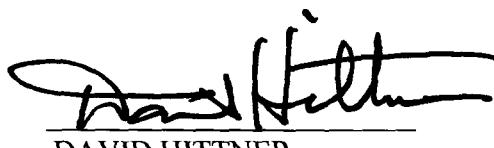
1. This action is hereby stayed pursuant to 18 U.S.C. § 981(g)(1); but

2. The following motions, stipulations, and requests may be filed or served notwithstanding the stay:
 - a. Those seeking to protect and preserve the value of the Defendants *in rem* pursuant to 18 U.S.C. §§ 981(g)(6) and 983(j) and/or Rule G(7)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”), including, in particular, the United States’ currently pending Application for Protective Order Under 18 U.S.C. § 983(j) (Dkt. 69);
 - b. Those seeking to permit the interlocutory sale of one or more of the Defendants *in rem* pursuant to Supplemental Rule G(7)(b);
 - c. Those that can be fairly considered and adjudicated solely on the pleadings and without the need to propound or respond to civil discovery or to adduce facts or evidence not already contained in the record, *provided that*, where a claimant to this action makes such a motion, the government shall be permitted to propound upon that claimant limited discovery in the form of special interrogatories under Supplemental Rule G(6), *provided further that*, if the recipient of such special interrogatories has a good faith basis to believe that responding to the same would burden that claimant’s right against self-incrimination, if any, then both the motion and compliance with the special interrogatories shall continue to be stayed; and
 - d. Those concerning other matters, including innocent-owner defenses or stipulated settlements, that the affected parties agree by stipulation would not adversely affect the ability of the government to conduct the ongoing criminal

investigation and would not burden a claimant's right against self-incrimination, if any.

3. To permit the Court to monitor this action, the government shall file a report concerning the status of the criminal investigation every one hundred eighty (180) days, with the first such report being filed no later than one hundred eighty (180) days after the entry of this Order.
4. Notwithstanding the stay, claimant Cross Holdings, Inc., is required to file its answer to the First Amended Complaint or other motion under FRCP 12 on or before April 6, 2018, unless the government and Cross Holdings, Inc., with the Court's approval, stipulate to one or more additional extensions of time for such a filing.

SIGNED on the 4 day of March, 2018.



DAVID HITTNER
United States District Judge